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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,257	11/26/2001	Martin Andrew Schlosser	35015/002	8623

32827 7590 09/06/2002

PATENTS  
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EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/994,257

Applicant(s)

Schlosser et al

Examiner

Blount

Group Art Unit

3726

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 09/1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

☒ Responsive to communication(s) filed on 8/5/02

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-49 is/are pending in the application.

Of the above claim(s) 35-49 is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☐ Claim(s) is/are rejected.

☐ Claim(s) is/are objected to.

☒ Claim(s) 1-34 are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restriction*

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

- A. Claims 9-10, where coupling the flow tube means to the base involves using an adhesive.
- A'. Claim 11, where coupling the flow tube to the base involves using an O-ring.
- B. Claims 18-19, where securing the fixed element comprises the use of adhering.
- B.' Claim 20, where the step of securing the fixed element comprises threading.
- B." Claim 21, where the step of securing comprises the step of forming a locking hole into which a locking mechanism is inserted.
- D. Claim 28, where connection comprises ultrasonic welding.
- D.' Claim 29, where connection comprises heat tip welding.
- D." Claim 30, where connection comprises laser welding.
- E. Claim 33, affixing a resistance temperature measuring device.
- E.' Claim 34, affixing an infrared temperature measuring device.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held

1, 17, 26, 32

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to be allowable. Currently, claims 1, 17, 26, and 32 generic to the above alternative species within their respective groups.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any

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amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

3. With regard to applicants arguments presented in paper number 4 with respect to the restriction, the examiner believes that they are without merit, for the following reasons.

The examiner believes that the groups are properly restrictable because, at the very least, the method can be used to manufacture a Coriolis flowmeter wherein the driver affixed to the tube flow means is not used for vibrating the tube flow means at the resonant frequency of the tube flow means. Further, the status of the two inventions is separate because they do properly belong in different classes. The MPEP may not be law, but it is to be used by examiners in carrying out their examination functions.


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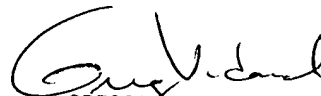
**Contact Information**

4. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 872-9302 (responses before final) and 703-872-9303 (responses after final). Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday.

5. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.

SB

  
8/29/02

  
GREGORY M. VIDOVICH  
PRIMARY EXAMINER  
SPE Au 3726